

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

RICHARD ARLEY FISHER,

Petitioner,

v.

JEFFERY PERKINS,

Respondent.

CASE NO. C24-5484 BHS

ORDER

THIS MATTER is before the Court on pro se petitioner Richard Fisher's motion for leave to appeal *in forma pauperis*, Dkt. 26. Fisher appealed the Court's Order, Dkt. 21, adopting the Magistrate Judge's R&R, dismissing his habeas petition as untimely, and declining to issue a certificate of appealability. Dkt. 25. The Ninth Circuit referred Fisher's motion to this Court. Dkt. 26.

Magistrate Judge Fricke reviewed Fisher's initial *in forma pauperis* application, Dkt. 1, and ordered him to show cause why the motion should not be denied because it appeared he had the funds to pay the filing fee. Dkt. 4. Fisher responded, asserting he could pay the filing fee but did not have the funds necessary to pay attorneys and experts

1 to support his petition. Dkt. 5. He paid the filing fee, mooted his initial *in forma pauperis*  
2 application.

3 Fisher now contends that a state court determined he was indigent in 2016–2018.  
4 Dkt. 26 at 2. His initial 2024 application in this Court asserted that he had \$4249.93 in his  
5 prison trust account, and another \$2700.00 in savings. Dkt. 1 at 2 and Dkt. 1-1. He now  
6 contends that his financial situation is unlikely to change in the future. Dkt. 26 at 2.

7 Because it continues to appear that Fisher can afford the filing fee, his motion to  
8 appeal *in forma pauperis* is **DENIED**.

9 **IT IS SO ORDERED.**

10 Dated this 3rd day of February, 2025.

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BENJAMIN H. SETTLE  
United States District Judge